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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,648	03/31/2005	Norbert Klinke	66383-039-5	1992

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EXAMINER

PILKINGTON, JAMES

ART UNIT	PAPER NUMBER
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3682

MAIL DATE	DELIVERY MODE
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05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,648	Applicant(s) KLINKE, NORBERT	
	Examiner James Pilkington	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 1 show(s) modified forms of construction in the same view. It currently appears that the axial strips are being used as an alternative to the plastic bushing therefore the drawings need to reflect that this is an alternative by being shown separate figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3682

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because new hand drawn elements are not in compliance with 37 CFR 1.84(l) which requires all lines, numbers and letters to be uniformly thick and well defined, clean and durable. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk 6,561,055 in view of Oldakowski, USP 4,246,991.

Re clm 1, Turk discloses an actuator comprising:

- A reversible motor (22)
- A transmission (24,50,26,56)
- A movable adjustment element (32a,32b)
- A cylindrical part (36l, 36t)

- A coil spring (30) with the first end secured to a rotating element (56)

Turk does not disclose that the coil spring is arranged in alignment with an axis of the rotating element so that the spring is carried along in rotation on the cylindrical part.

Oldakowski teaches a coil spring (30) arranged in alignment with an axis of the rotating element (gear 22) so that the spring is carried along in rotation on a cylindrical part (12) for the purpose of providing a wrapped spring mechanism which blocks back forces and resists torque being applied on the output shaft that is arranged coaxial with the drive element thus reducing the number of load carrying parts and interconnections required (C1/L58-C2/L16).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Turk and arrange the coil spring in alignment with an axis of the rotating element so that the spring is carried along in rotation on a cylindrical part, as taught by Oldakowski, for the purpose of providing a wrapped spring mechanism which blocks back forces and resists torque being applied on the output shaft that is arranged coaxial with the drive element thus reducing the number of load carrying parts and interconnections required.

Re clm 5, Turk discloses that the cylindrical part (36l,36t) forms part of a bracket (36) mounted on the front end of the motor (22).

Re clm 6, Turk discloses that the transmission comprises a worm drive with a worm (24,26) and a worm wheel (50,56), said coil spring (30) having its one end connected to the worm wheel (56, Fig 7)

Re clm 7, Turk discloses that the coil spring (30) is secured to the worm wheel (56) with a radially outwardly bent end (Fig 7).

Re clm 8, Turk discloses that the coil spring (30) is secured in a hole of the worm wheel with an axially bent end (Fig 7).

Re clm 10, Turk discloses that the coil spring (30) is of metal, and that the wire forming the spring has a circular cross-section (Fig 7).

5. Re clms 2-4 and 9 Turk in view of Oldakowski discloses the claimed invention as disclosed above. Turk also discloses that cylindrical part (36l, 36t) has a bushing (36l is that bushing) secured against rotation and Oldakowski also discloses that the cylindrical part (12) has axially-extending strips (spacers 37) that the spring is arranged on {clm 4} and a heat conducting shield (35, stationary hub for spring support which will conduct any heat generated by friction) {clm 9}. Turk in view of Oldakowski does not disclose the use of metal and plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylindrical part out of metal and plastic and the shield out of metal to provide for improved heat absorption and wear resistance, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

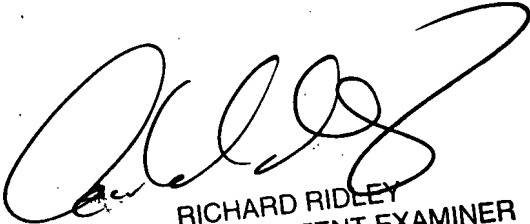
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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4/25/07


RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER